



REMARKS

This Reply and Amendment is intended to be completely responsive to the Office Action dated June 18, 2003.

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 39-76 stand rejected. On entry of this Reply and Amendment, Claims 39-40, 42, 47-48, 50, 52-55, 61-62, 64-66, 68-69, 72-73, and 75-76 will be amended for clarity. Accordingly, Claims 39-76 will be pending in this Application.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

No new matter has been added.

Interview Summary

The Applicants would like to thank the Examiner for the courtesy extended during the Interview which took place on August 19, 2003.

The Applicants' undersigned attorney and the Examiner discussed the Final Office Action dated June 18, 2003, including the disclosure of U.S. Patent No. 5,858,575 to Chen as it relates to the currently pending claims. Amendments to the claims were discussed as they relate to various rejections made in the Office Action, along with those made for reasons of clarity.

Title

The Applicants note that the title for the application was amended in a Reply and Amendment dated October 16, 2002. The title should read as follows: "BATTERY GRID".

The Transmittal accompanying the Reply and Amendment dated April 7, 2003 erroneously recited the former title ("Method for Making an Alloy Coated Battery Grid"). Please note that the correct title is indicated on the paperwork accompanying this Reply and Amendment.

Claim Rejections – 35 U.S.C. § 112

On page 6 of the Office Action (in the "Response to Arguments" section), the Examiner stated:

With regards to claims 47, 50, 52, 53, 61 and 76, Applicant asserts the phrase "about" is intended to acknowledge that the claims subject matter would be understood by one of skill in the art to include insubstantial variations from the specific numeric values provided. However, it is noted that the phrase "less than" which is coupled with "about" includes by its nature a considerable range of numeric values. Thus, the insubstantial variations the applicant wishes to claim are unclear. Furthermore, there does not appear to any evidence in the record to show that persons of ordinary skill would uniformly understand the ranges of values covered by "about".

The Applicant notes that Claims 47, 50, 52, 53, 61, and 76 have not been specifically rejected in the present Office Action, although the Examiner's statement appears to be related to the rejection under 35 U.S.C. § 112 ¶ 2 made in the Office Action dated January 7, 2003 in the present application. For purposes of this Reply and Amendment, the Applicant will assume that the rejection under 35 U.S.C. § 112 ¶ 2 made in the Office Action dated January 7 has not been withdrawn by the Examiner.

Claims 47, 50, 52, 53, 61, and 76 have been amended in accordance with the Examiner's suggestion. Accordingly, the Applicants submit that the rejection of Claims 47, 50, 52, 53, 61, and 76 under 35 U.S.C. § 112 ¶ 2 has been overcome.

Claim Rejections – 35 U.S.C. § 102(b)

On page 2 of the Office Action, the Examiner rejected Claims 39-76 as being anticipated by U.S. Patent No. 5,858,575 ("Chen") under 35 U.S.C. § 102(b).

Claims 39, 54, and 65 are in independent form. Claims 40-53 depend from Claim 39. Claims 55-64 depend from Claim 54. Claims 66-76 depend from Claim 65.

Chen does not identically disclose the combination of elements recited in independent Claims 39, 54, and 65 (as amended). Chen relates to “hot dipped Pb-Ca grids for lead-acid batteries” and shows an “expanded battery grid” comprising “a plurality of grid wires 4” that are “interconnected by a plurality of nodes 6 to form a gridwork for supporting the electrodes active material” (Column 2, lines 56-59).

Claim 39 (as amended) relates to a “grid for a battery” and recites, in combination with other elements, a “plurality of wire elements” in which “at least one of the wire elements has a first transverse cross-section taken at a position intermediate the opposed ends of the wire element and a second transverse cross-section taken at one of the opposed ends of the wire element, the second transverse cross-section being generally rectangular and the first transverse cross-section being non-rectangular,” which is not identically disclosed in Chen.

Claim 54 (as amended) relates to a “grid for a battery” and recites, in combination with other elements, a “plurality of wires, at least one of the wires having a substantially rectangular cross-section at a first location and a non-rectangular cross-section at a second location,” which is not identically disclosed in Chen.

Claim 65 (as amended) relates to a “grid for a battery” and recites, in combination with other elements, a “means for supporting an active material” that “includes at least one wire element having a generally rectangular cross-sectional shape at a first location and a non-rectangular cross-sectional shape at a second location,” which is not identically disclosed in Chen.

Accordingly, Claims 39, 54, and 65 (and corresponding dependent Claims 40-53, 55-64, and 66-76) are not anticipated by Chen under 35 U.S.C. § 102(b) and are patentable.

* * *

It is submitted that each outstanding objection and rejection to the Application has been overcome, and that the Application is in a condition for allowance. Claims 39-76 will be pending in this Application. The Applicants request consideration and allowance of all pending Claims 39-76.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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By 

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